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7                   **UNITED STATES DISTRICT COURT**  
8                   **DISTRICT OF NEVADA**  
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10 MOINUL AZAD,

11                 Plaintiff,

12 v.

13 GOODYEAR TIRE AND RUBBER  
COMPANY, USA,

14                 Defendant.

15                   Case No. 2:11-CV-00290-KJD-GWF

16                   ORDER

17                  Presently before the Court is Plaintiff's Motion for Default Judgment (#10). Defendant filed  
18 a response in opposition (#12). Plaintiff's Complaint (#3) was filed on May 11, 2011. Subsequently,  
19 Plaintiff filed an Amended Complaint (#4) on June 9, 2011. It was screened (#5) by the magistrate  
judge on August 18, 2011. Plaintiff filed proof (#8) that the summons and complaint were served by  
20 the U.S. Marshal's on or about September 13, 2011. On October 4, 2011, Defendant's counsel filed  
21 a notice of appearance (#7) and requested that Plaintiff comply with the Court's order (#5) directing  
22 him to serve a copy of every pleading, motion, or other document submitted for consideration on  
23 Defendant. Defendant asserts that Plaintiff never complied with the order.

24                  On December 29, 2011, no action of record having been taken since Plaintiff filed proof of  
25 service, the Court ordered Plaintiff to file a status report, motion for default judgment, or notice of  
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1 voluntary dismissal. On January 5, 2012, Plaintiff filed the present motion for default judgment. On  
2 January 6, 2012, Defendant filed its Answer (#11).

3 The Court finds good cause for Defendants failure to file an answer before January 6, 2012.  
4 Furthermore, Defendant has asserted a meritorious defense. Plaintiff cannot be prejudiced by having  
5 to prosecute the case on the merits. Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's  
6 Motion for Default Judgment (#10) is **DENIED**.

7 DATED this 18<sup>TH</sup> day of April 2012.

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11 Kent J. Dawson  
United States District Judge

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